

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

0 Valuation of Security

0 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re: **Jorge E Nieves, Jr.**

Case No.: **17-12247**

Judge: \_\_\_\_\_

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS - AMENDED**

☐ Original

☒ Modified/Notice Required

Date: \_\_\_\_\_

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

**The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.**

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney cis Initial Debtor: JEN Initial Co-Debtor \_\_\_\_\_

### Part 1: Payment and Length of Plan

a. The debtor shall pay 141.00 Monthly\* to the Chapter 13 Trustee, starting on \_\_\_\_ for approximately 60 months.

- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
  - ☒ Other sources of funding (describe source, amount and date when funds are available): Personal injury & workers compensation case net non-exempt proceeds

c. Use of real property to satisfy plan obligations:

- ☒ Sale of real property  
Description: 202 Perry Street, Trenton, NJ  
Proposed date for completion: June, 2019
- ☐ Refinance of real property:  
Description: \_\_\_\_\_  
Proposed date for completion: \_\_\_\_\_
- ☒ Loan modification with respect to mortgage encumbering property:  
Description: Debtor recieved a loan modification for 3 Manor House Drive, Ewing, NJ. Pre-petition mortgage arrears have been recapitalized into new loan note.  
Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Candyce SMith-Sklar	Attorney Fees	2,100.00
Ewing township sewer taxes	Taxes and certain other debts	200.00
IRS	Taxes and certain other debts	2,254.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:  
Check one:  
☒ None  
☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-							
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor  
Albert Russo, Standing Chapter 13 Trustee  
Ditech

**g. Secured Claims to be Paid in Full Through the Plan ☒ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
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**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$\_\_\_ to be distributed *pro rata*
- ☐ Not less than \_\_\_ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions ☒ NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■ NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims

6) General Unsecured Claims

**d. Post-Petition Claims**

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification ☒ NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.  
Date of Plan being modified:.

Explain below <b>why</b> the plan is being modified: <b>Modified plan to remove any pre-petition mortgage arrears since debtor recieved a loan modification. Sale of rental property extended to June, 2019.</b>	Explain below <b>how</b> the plan is being modified: <b>Plan modified to remove any pre-petition mortgage arrears since debtor received a loan modification. Sale of rental property extended to June, 2019.</b>
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Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

**Part 10 : Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here:

\*This plan is a step plan or has lumpsum payments as follows: \$141.00 per month for 21 months, then \$321.58 per month for 39 months

All non-exempt lawsuit proceeds to be paid to Trustee  
June, 2019 is projected sale date for rental property  
Debtor has available extensions through bankruptcy court.

Any non-standard provisions placed elsewhere in this plan are ineffective.

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: <u>December 19, 2018</u>	<u>/s/ Jorge E Nieves, Jr.</u> <u>Jorge E Nieves, Jr.</u> Debtor
Date: _____	_____ Joint Debtor
Date: <u>December 19, 2018</u>	<u>/s/ Candyce SMith-Sklar</u> <u>Candyce SMith-Sklar</u> Attorney for the Debtor(s)

**Certificate of Notice Page 7 of 8**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Jorge E. Nieves, Jr.  
 Debtor

Case No. 17-12247-KCF  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 42

Date Rcvd: Dec 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 23, 2018.

db +Jorge E. Nieves, Jr., 3 Manor House Drive, Ewing, NJ 08638-1727  
 r +Anna Appolonia, Hertiage House Sotheby's Int't. Realty, 38 Main Street,  
 Holmdel, NJ 07733-2106  
 lm +++DITECH MORTGAGE, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311  
 (address filed with court: Ditech Mortgage, 332 Minnesota State, Suite 610,  
 Saint Paul, MN 55101)  
 516630131 +Allen Gorski, Esq., 311 Whitehorse Ave., Suite A, Trenton, NJ 08610-1430  
 516630132 +B&B Collections, Inc., PO Box 2137, Toms River, NJ 08754-2137  
 516630133 +Capital Health System, Attn: Patient Accounts, 1 Capital Way, Pennington, NJ 08534-2520  
 516630134 +Capital Health System, Attn: Patient Accounts, 1 Capital Way, Pennington, NJ 08534-2520  
 516767872 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 516630135 +Capital Pathology, PO Box 789292, Philadelphia, PA 19178-9292  
 516630136 +Children's Specialized Hospital, PO Box 15391, Newark, NJ 07192-5391  
 516630137 +Comprehensive Sleep Associates of NJ, PO Box 8500-9052, Philadelphia, PA 19178-0001  
 516630138 +Credit Control, LLC, PO Box 488, Hazelwood, MO 63042-0488  
 516630139 +D&S LTD, 13809 Research Blvd., Suite 800, Austin, TX 78750-1211  
 516630140 +++DITECH, 332 MINNESOTA ST STE E610, SAINT PAUL MN 55101-1311  
 (address filed with court: Ditech, 332 Minnesota State Suite 610, Saint Paul, MN 55101)  
 516630141 +Ewing township sewer taxes, 2 Jake Garzio Drive, Ewing, NJ 08628-1544  
 516642514 +Gorski & Knowlton PC, 311 Whitehorse Avenue, Suite A, Hamilton, NJ 08610-1430  
 516630142 +Horizon Blue Cross Blue Shield of NJ, PO Box 10193, Newark, NJ 07101-3117  
 516630143 +I.C. System, Inc., PO box 64373, Saint Paul, MN 55164-0373  
 516630145 +Kols/capone, N56 W 17000 Ridgewood Drive, Menomonee Falls, WI 53051-5660  
 516630146 +Laboratory Corp of America Holdings, PO Box 2240, Burlington, NC 27216-2240  
 516630147 +Merchants & Medical Creditr Corp., 6324 Taylor Drive, Flint, MI 48507-4685  
 516630148 +Norma Lilia Chagoya-Garcia, 3 Manor House Drive, Trenton, NJ 08638-1727  
 516630150 +Ocean Home Health, QMES New Jersey Region, PO Box 71413, Philadelphia, PA 19176-1413  
 516630151 +Pleuse, Becker and Saltzman, Attys for BNY/Mellon, 20000 Horizon Way, Suite 900,  
 Mount Laurel, NJ 08054-4318  
 516630152 +State of New Jersey, DCA BHI DORES, PO Box 662, Trenton, NJ 08646-0662  
 516630153 #+Sure Recovery Service, PO Box 818, Jackson, NJ 08527-0818  
 516630154 Sweeney and Sheehan attys for Aguilar, John M. Corcoran, Esq., Sentry Office Plaza,  
 216 Haddon Avenue, Suite 500, Sewell, NJ 08080  
 517226662 +The Bank of New York Mellon, PROBER & RAPHAEL, A LAW CORPORATION,  
 20750 Ventura Boulevard, Suite 100, Woodland Hills, California 91364-6207  
 517261723 +The Bank of New York Mellon, et al, c/o Carrington Mortgage Services, LLC,  
 1600 South Douglass Road, Anaheim, CA 92806-5948  
 517261724 +The Bank of New York Mellon, et al, c/o Carrington Mortgage Services, LLC,  
 1600 South Douglass Road, Anaheim, CA 92806, The Bank of New York Mellon, et al,  
 c/o Carrington Mortgage Services, LLC 92806-5948  
 516630155 +Trident Asst, 53 Perimeter Ctr E Ste 4, Atlanta, GA 30346-2294  
 516630157 +United States Attorney General, US Department of Justice, Ben Franklin Station,  
 PO Box 683, Washington, DC 20044-0683

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 22 2018 01:08:06 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreregion03.ne.ecf@usdoj.gov Dec 22 2018 01:08:03 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr E-mail/Text: cio.bncmail@irs.gov Dec 22 2018 01:07:07 Internal Revenue Service,  
 955 South Springfield Avenue, Building A, Springfield, NJ 07081  
 516756014 E-mail/PDF: resurgentbknofications@resurgent.com Dec 22 2018 01:32:44  
 Ashley Funding Services, LLC, c/o Resurgent Capital Services, PO Box 10587,  
 Greenville, SC 29603-0587  
 516874894 E-mail/PDF: resurgentbknofications@resurgent.com Dec 22 2018 01:13:51  
 Ashley Funding Services, LLC its successors and, assigns as assignee of Laboratory,  
 Corporation of America Holdings, Resurgent Capital Services, PO Box 10587,  
 Greenville, SC 29603-0587  
 516677628 +E-mail/PDF: gecsedirecoverycorp.com Dec 22 2018 01:14:04 Synchrony Bank,  
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 516870872 +E-mail/PDF: gecsedirecoverycorp.com Dec 22 2018 01:12:57 Synchrony Bank,  
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021  
 516880103 E-mail/Text: bankruptcy.bnc@ditech.com Dec 22 2018 01:07:24  
 THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YO, c/o Ditech Financial LLC, PO Box 6154,  
 Rapid City, SD 57709-6154  
 516630156 +E-mail/Text: usanj.njbankr@usdoj.gov Dec 22 2018 01:08:06 United States Attorney,  
 Peter Rodino Federal Building, 970 Broad Street, Suite 700, Newark, NJ 07102-2527  
 516872294 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Dec 22 2018 01:14:27 Verizon,  
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 10

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 42

Date Rcvd: Dec 21, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516630130 Albert Russo, Standing Chapter 13 Trustee  
cr\* +Gorski & Knowlton PC, 311 Whitehorse Avenue, Suite A, Hamilton, NJ 08610-1430  
516630144\* +IRS, PO Box 7346, Philadelphia, PA 19101-7346  
516630149 ##+Northland Group, PO Box 129, Thorofare, NJ 08086-0129

TOTALS: 1, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.  
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 23, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Allen I Gorski on behalf of Creditor Gorski & Knowlton PC agorski@gorskiknowlton.com  
Candyce Ilene Smith-Sklar on behalf of Debtor Jorge E. Nieves, Jr. mail@njpalaw.com  
Denise E. Carlon on behalf of Creditor The Bank of New York Mellon, Et Al...  
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 6